

**IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT**

United States Court of Appeals
Fifth Circuit

FILED

May 21, 2013

Lyle W. Cayce
Clerk

No. 12-10931

Summary Calendar

CONRADO ACOSTA RODRIGUEZ, also known as Conrado Acosta,

Petitioner-Appellant

v.

JASON JONES, Warden,

Respondent-Appellee

Appeal from the United States District Court
for the Northern District of Texas
USDC No. 1:12-CV-143

Before REAVLEY, JOLLY, and DAVIS, Circuit Judges.

PER CURIAM:*

Conrado Acosta-Rodriguez, federal prisoner # 27173-198, appeals the dismissal of his 28 U.S.C. § 2241 petition, in which he challenged his sentence of 252 months of imprisonment for his 2000 conviction for conspiracy to possess with intent to distribute cocaine. Acosta-Rodriguez states that he is in custody for a “non-existent career offender conviction.” He asserts that he meets the requirements of the savings clause of 28 U.S.C. § 2255 because he is actually

* Pursuant to 5TH CIR. R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR. R. 47.5.4.

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innocent of being a career offender. He makes no attempt to argue how the remainder of his substantive claims satisfy the savings clause.

Acosta-Rodriguez's claim based on an alleged error in applying the career offender sentencing enhancement may not be asserted in this § 2241 petition because it fails to satisfy the requirements of the savings clause in § 2255. *See Kinder v. Purdy*, 222 F.3d 209, 213-14 (5th Cir. 2000). The district court properly dismissed Acosta-Rodriguez's § 2241 petition for lack of jurisdiction. *See Padilla v. United States*, 416 F.3d 424, 426-27 (5th Cir. 2005).

AFFIRMED.